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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,052	04/03/2001	Joseph E. McIsaac	082192-0102 QUAL-0110	2356
48329	7590	09/19/2007		
FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/826,052

Applicant(s)

MCISAAC ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-14,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3,5-8,10,12-14,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/3/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicant's RCE filed on 07/03/2007.
2. Claims 1, 3, 5-14, 26 and 27 are currently pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5-14, 26 and 27 are rejected under 35 U.S.C. 102 (e) as being anticipated by Tsuei et al (U.S. PG Pub No. 2004/0260953).

As per claims 1, 7-14, 26 and 27 Tsuei discloses a merchant server system including a computer processor and associated memory, the merchant server system offering items for sale (see paragraph 0013-0030),

A buyer system including a computer processor and associated memory, the buyer system being selectively coupled to the merchant server system over the communication network to initiate a transaction, wherein, during the transaction, the

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buyer system selects one or more of the items for purchase (see paragraph 0013-0030),

A security server system distinct from the merchant server system and including a computer processor and associated memory and an encryption device, said security server system receiving buyer information from the buyer system, encrypting the buyer information in an encryption key that prevents the merchant server system from decrypting the buyer information transferring the encrypted buyer information to the merchant server system (see paragraph 0013-0030, 0074-0091),

A payment processor server system distinct from the security server system and including a computer processor and associated memory, said payment processor server system being selectively coupled to said merchant server system, wherein said merchant server system transmits at least a payment portion of said encrypted buyer information to said payment processor server system for processing during said transaction, wherein said merchant server system cannot decrypt said encrypted payment information and said payment processor server system can decrypt said encrypted payment information, and wherein said payment processor server decrypts said encrypted payment information and using said decrypted payment information, determines if said transaction is authorized or not, and communicates said determination to said merchant server system (see paragraph 0013-0030, 0074-0091).

As per claim 3 Tsuei discloses a system wherein the encrypted buyer information received by the delivery server system is delivery address information of the buyer (see paragraph 0029).

As per claim 5 Tsuei discloses a system wherein the encrypted buyer information received by the payment processor server system is payment information of the buyer (see paragraph 0022).

As per claim 6 Tsuei discloses the claimed invention except for the wherein the security system encrypts the buyer information into a first document and a second document, wherein the first document is transmitted to the third server system by the merchant server system and the second document is transmitted to the fourth server system by the merchant server system (see paragraph 0013-0030, 0074-0091).

Claim Objections

5. Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 07/03/2007 have been fully considered but they are not persuasive.

REMARKS

7. In response to Applicant's arguments, Applicant argues that the prior art of record (Tsuei) fails to disclose the recited feature:

Applicant continues to argue that the security server is distinct from the merchant server, is that the merchant has more flexibility in his business arrangements than in the prior art. However, the Examiner respectfully disagrees with this assertion since this limitation is nowhere to be found in the claims. Furthermore, If the merchant has more flexibility in his business arrangements than in the prior art. Applicant is advised to explain how so.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 07, 2007


PIERRE EDDY ELISCA
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600